IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT COURT OF SOUTH CAROLINA

KIZZY ES	TES,) C/A No.: 5:17-00834-RMG-KDW
Plair	ntiffs,))
vs.)
CONSUELA FERGUSON, Individually And/Or In Her Official Capacity As Employee of South Carolina Department of Corrections; JEFF SCOTT, Individually And/Or In His Official Capacity As Employee of South Carolina Department of Corrections; MAMIE CALLAHAN, Individually And/Or In Her Official Capacity As Employee of South Carolina Department of Corrections; SOUTH CAROLINA DEPARTMENT OF CORRECTIONS;		RULE 26(f) REPORT
Defendants.))
The parties, having consulted pursuant to Rule 26(f), Fed. R. Civ. P., hereby report as follows (check one below): We agree that the schedule set forth in the Conference and Scheduling Order fil is appropriate for this case. The parties' proposed discovery plan as required by Fed. R. Civ. P. Rule 26(f) and the information required by Local Civil Rule 26.03 will be separately filed by the parties.		
	We agree that the schedule set forth in the Conference and Scheduling Order filed March 31, 2017 requires modification as set forth in the proposed Consent Amended Scheduling Order which will be e-mailed to chambers as required. The parties' proposed discovery plan as required by Fed. R. Civ. P. Rule 26(f) and the information required by Local Civil Rule 26.03 will be jointly filed by the parties.	
	We are unable, after consultation, to agree on a schedule for this case. We, therefore, request a scheduling conference with the Court. The parties' proposed discovery plan as required by 26(f) Fed. R. Civ. P., with disagreements noted, and the information required by Local Civil Rule 26.03 will be separately filed by the parties.	

(SIGNATURE PAGE ATTACHED)

PLAINTIFF(S)

s/ Aaron Mayer
Signature of Plaintiff's Counsel

<u>Aaron Mayer, for Kizzy Estes</u> Printed Name of Plaintiff's Counsel and Party Represented

s/ J. Edward Bell, III
Signature of Plaintiff's Counsel

J. Edward Bell, III, for Kizzy Estes Printed Name of Plaintiff's Counsel and Party Represented

DEFENDANT(S)

S/Steven M. Pruitt
Signature of Defendant's Counsel

Steven M. Pruitt, for all Defendants

Printed Name of Defendant's Counsel
and Party Represented

MEDIATION OF CASES PENDING BEFORE JUDGE GERGEL

Case Name: Kizzy Estes v. Consuela Ferguson, et. Al

C/A No.: **5:17-00834-RMG-KDW**

1. Would early mediation be useful in this case? If the answer is in the affirmative, when would you propose to conduct mediation in this matter?

Response: The parties have conferred and do not believe early mediation would be beneficial.

2. If early mediation is not thought to be useful, when is the earliest stage in which you believe it might be useful?

Response: The parties believe mediation would not be beneficial until there has been an opportunity to conduct and possibly complete discovery.

3. Please provide the court with any additional information that would assist in setting a timeline for required mediation.

Response: The parties have moved to amend the Scheduling Order and believe that mediation would have a better chance of success if it is conducted after the parties have the opportunity to conduct discovery. Furthermore, as discussed in the parties' Motion to Amend the Scheduling Order, there are criminal charges pending against the Plaintiff in relation to the incident alleged in Plaintiff's Complaint. Plaintiff's counsel is representing Plaintiff in relation to the criminal charges and is hopeful these can be dismissed or tried in the near future. The parties would ask that the mediation deadline be placed in January 2018 to allow time for resolution of the criminal charges and the parties to then conduct discovery.

RESPECTFULLY SUBMITTED.

s/Steven M. Pruitt

Steven M. Pruitt, Fed. Id No. 6083 ATTORNEYS FOR THE DEFENDANTS

s/ Aaron Mayer

Aaron Mayer, Esquire ATTORNEYS FOR THE PLAINTIFF

s/ J. Edward Bell, III

J. Edward Bell, III, Esquire ATTORNEYS FOR THE PLAINTIFF